

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Attorney. Docket No. 039322-0226

Applicants: James P. HOEFFLER *et al.*

Title: SINGLE CHAIN MONOCLONAL ANTIBODY FUSION  
REAGENTS THAT REGULATE TRANSCRIPTION *IN VIVO*

Application No.: 09/939,769

Filing Date: August 28, 2001

Examiner: Susan Unger

Art Unit: 1642

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Submitted herewith on Form SB08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

Serial No. 09/939,769

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**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

**RELEVANCE OF EACH DOCUMENT**

Any document listed on the attached PTO-SB08 was cited as being relevant during the prosecution of the corresponding European application. A copy of the European Search Report is attached setting forth the portion of each document considered relevant by the examiner. An English-language counterpart of the foreign-language documents has been provided.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO-SB08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date 25 June 2002By S. A. BentFOLEY & LARDNER  
Customer Number: 22428

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Substitute for form 1449B/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> Date Submitted: June 25, 2002 (use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	09/939,769
				Filing Date	08/28/2001
				First Named Inventor	James P. Hoeffler
				Group Art Unit	1642
				Examiner Name	Susan Unger
Sheet	1	of	2	Attorney Docket Number	039322-0226

## U.S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document		Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>2</sup>
		Office <sup>3</sup>	Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
	A1		WO 96/30512		03/10/1996		
	A2		WO 96/02581		01/02/1996		
	A3		EP 0 557 897		19/02/1993		
	A4		WO 00/54057		14/09/2000		
	A5		WO 01/48017		05/07/2001		

## OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>d</sup>
	A6	Gargano, N. et al., "From Phage Libraries to Intracellular Immunization," pp. 173-186 (1997)	
	A7	Marasco, W. A., "Intracellular Antibodies (intrabodies) as research reagents and therapeutic molecules for gene therapy," Immunotechnology, vol. 1, no. 1., pp. 1-19 (1995)	
	A8	Marasco, W.A., "Intrabodies: turning the humoral immune system outside in for intracellular immunization," Gene Therapy, vol. 4, no. 1, pp. 11-15 (1997)	

## OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.†	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	A9	Mhashilkar A. M. et al., "Inhibition of HIV-1 Tat-mediated LTR transactivation and HIV-1 infection by anti-Tat single chain Intrabodies," The EMBO Journal, vol. 14, no. 7, pp. 1542-1551 (1995)	
	A10	Haard, De H, J. W. et al., "Selection of Recombinant, Library-Derived Antibody Fragments against p24 for Human Immunodeficiency Virus Type 1 diagnostics," Clin. Diagn. Lab. Immunol., vol. 5, no. 5, pp. 636-644 (1998)	
	A11	Visintin M. et al., "Selection of antibodies for intracellular function using a two-hybrid in vivo system," PNAS, vol. 96, no. 21, pp. 11723-11728 (1999)	
	A12	De Jaeger Geert et al., "Analysis of the interaction between single-chain variable fragments and their antigen in a reducing intracellular environment using the two-hybrid system," FEBS Letter, vol. 467, no. 2-3, pp. 316-320 (2000)	
	A13	Portner-Taliana A. et al., "In vivo selection of single-chain antibodies using a yeast two-hybrid system," Journal of Immunology, vol. 238, no. 1-2 (2000)	